

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Avonte Campinha-Bacote,	:	
	:	
Plaintiff,	:	Case No. 17-388
	:	
v.	:	Judge
	:	
Bahgat & Bahgat, LLC, et al.,	:	Franklin County, Ohio
	:	Court of Common Pleas
Defendants.	:	

**NOTICE OF REMOVAL**

Defendants, Bahgat & Bahgat, LLC and Joseph A. Bahgat (“Defendants”) hereby remove this action from the Common Pleas Court of Franklin County, Ohio to the United States District Court for the Southern District of Ohio, Eastern Division. In support hereof, Defendant respectfully states:

1. On March 29, 2017, Plaintiff Avonte Campinha-Bacote commenced this action by filing a Complaint in the Common Pleas Court Franklin County under the same title as set forth above. The state court action is identified as Franklin County, Ohio Common Pleas Case No. 17 CV 003068.

2. Defendants were served with a Summons and a copy of the Complaint on April 5, 2017. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

3. This is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. §1331 and is an action that Defendants can remove pursuant to 28 U.S.C. §1441. Plaintiffs have brought claims under the laws of the United States which state claims which fall within the scope of the Fair Labor Standards Act, 29 U.S.C. §201, et.seq. Plaintiff’s claims are therefore preempted by the Fair Labor Standards Act.

4. The United States District Court for the Southern District of Ohio, Eastern Division, is the District Court of the United States encompassing Franklin County, Ohio. *See* 28 U.S.C. §115(b)(2).

5. In accordance with 28 U.S.C. §1446(a), a copy of the Complaint, and all process and pleadings served on Defendant in this case in the state court action are attached hereto as Exhibits A through H.

6. The time provided under state law for Defendant to answer or otherwise plead to the Complaint has not expired, as Defendants, Bahgat & Bahgat, LLC and Joseph A. Bahgat have obtained a stipulation of extensions of time to move or plead.

7. By filing this Notice of Removal, Defendants do not waive any defense which may be available to it, specifically including, but not limited to, their right to contest personal jurisdiction, the sufficiency of service of process, and whether venue is proper in this Court or in the Court from which this action was removed.

WHEREFORE, Defendants, Bahgat & Bahgat, LLC and Joseph A. Bahgat, hereby remove this action from the Common Pleas Court of Franklin County, Ohio to the United States District Court for the Southern District of Ohio.

**CONSENT TO REMOVAL**

Defendant Abe Bahgat hereby consents to removal of this action from the Franklin County Court of Common Pleas to the United States District Court for the Southern District of Ohio, Eastern Division.

\_\_\_\_\_  
/s/ Richard A. Williams  
Richard A. Williams  
Counsel for Defendant Abe Bahgat

Respectfully submitted,

**NEWHOUSE, PROPHATER, KOLMAN &  
HOGAN, LLC**

/s/ William H. Prophater, Jr.

D. Wesley Newhouse (0022069)

[wnewhouse@npkhlaw.com](mailto:wnewhouse@npkhlaw.com)

William H. Prophater, Jr. (0062318)

[wprophater@npkhlaw.com](mailto:wprophater@npkhlaw.com)

5025 Arlington Centre Blvd., Suite 400

Columbus, Ohio 43220

Telephone: (614) 255-5441

Facsimile: (614) 255-5446

*Counsel for Defendants, Bahgat & Bahgat, LLC  
and Joseph A. Bahgat*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served upon the following via regular U.S. Mail, postage prepaid, this 5<sup>th</sup> day of May 2017:

Avonte D. Campinha-Bacote  
1176 Crespi Drive  
Pacifica, CA 94044  
*Counsel for Plaintiff*

Alexander J. Darr  
Darr Law Offices, LLC  
11650 Olivo Road, Ste, 1000-224  
Fishers, IN 46037  
*Counsel for Plaintiff*

Richard A. Williams  
Williams & Schoenberger Co., LLC  
338 South High Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215  
*Counsel for Defendant Abe Bahgat*

/s/ William H. Prophater, Jr.

William H. Prophater, Jr. (0062318)